

**STATEMENT OF COLLEEN M. MURPHY, EXECUTIVE DIRECTOR  
CONNECTICUT FREEDOM OF INFORMATION COMMISSION  
TO THE JOINT COMMITTEE ON APPROPRIATIONS CONCERNING  
THE CONSOLIDATION PROPOSED IN THE STATE BUDGET  
FOR THE FY 2011 – FY 2013 BIENNIUM  
FEBRUARY 23, 2011**

Good evening. My name is Colleen Murphy and I'm the Executive Director and General Counsel of the Freedom of Information Commission ("FOIC" or "FOI Commission"). Thank you for the opportunity to comment briefly on the Governor's Proposed Budget for the FY 2011 – FY 2013 Biennium. My remarks this evening will be short. The Commission looks forward to working with the subcommittee members on the FOIC's budget in much greater detail.

I. With all due respect, the FOI Commission has grave concerns regarding the proposal within the Governor's Proposed Budget that would merge the offices of the FOI Commission, Elections Enforcement Commission ("SEEC"), Office of State Ethics ("OSE"), Judicial Review Council ("JRC") and the Contracting Standards Board into a new agency entitled the Office of Government Accountability ("OGA"). While the stated purposes for this merger (cost effectiveness and eliminating redundancies) sound persuasive in view of Connecticut's budgetary crisis, this proposal will not achieve its goals and is not good public policy.

**a. The proposal will not achieve the modest savings that are claimed (approximately one million dollars) because it does not take into account the dollar costs of consolidation.**

Once the costs of consolidation are netted out, it is apparent that no cost savings will be achieved. For example, the OGA will need a new computer system that will cover all units within the newly created five-pronged agency and that will support intra-agency security among units, while ensuring appropriate public access under the FOI Act. Similarly, the OGA will need an integrated telephone system. These items are clearly critical and necessary expenditures, particularly since the Governor has stated that an additional aim is to encourage "information sharing"; they will not be inexpensive. Similarly, the proposal does not reflect the costs associated with necessary facility changes. Will the five current agencies be relocated to one space that can accommodate all personnel and equipment? If so, the costs of relocation and restructuring will soar. Similarly, no accounting has been made for other related costs, such as signage, letterhead and web site reconfiguration, to name a few. In addition, the new agency will likely yield significant personnel costs, as well as an added layer of bureaucracy (potentially in the form of deputy-level managers with specific subject matter expertise, who would report to the newly-appointed Executive Director).

Once these figures are subtracted, there will not be any savings to be had from this proposal. In reality, the consolidation will likely cost a significant amount of money. The FOIC submits that if the major aim of this proposal is to achieve savings from the five agencies, there are other potential ways to do so without changing their entire structure and causing the other problems set forth below.

**b. The proposal does not take into account the cost to government transparency and accountability.**

The current bill implementing the proposed merger, SB 1009 An Act Creating the Office of Governmental Accountability, would make the head of the OGA a gubernatorial appointee, who would serve at the pleasure of the Governor. The FOIC fears that this proposed change would jeopardize the independence of the newly created agency. Further, there will be conflict costs insofar as each of the agencies intended for merger has a separate and distinct mission,

which will inevitably be at odds with one another. For example, the FOIC is an agency whose primary mission is transparency, while the other agencies necessarily have a tremendous amount of confidentiality built into their records and processes. A merger of these agencies into one will lead to legal and ethical questions about the operation of the agency on a daily basis and public perception of the agency will suffer, without a doubt.

II. The FOIC also has grave concerns regarding the Governor's proposal to recommend changes to the budgetary proposals offered by the FOIC, SEEC and OSE.

**a. The proposal will eliminate the FOIC's critical budgetary independence.**

The proposal calls for a repeal of Conn. Gen. Stat. 1-205a of the FOI Act, which pertains to the FOIC's budget (and similar provisions that pertain to the OSE's and SEEC's budgets). Currently, Sec. 1-205a prohibits the Governor from reducing the FOIC's budget requests and requires the submission of the FOIC's budget directly to the legislature. There is important history behind the passage of Sec. 1-205a. In 2003, Governor Rowland proposed a consolidation of the FOIC, SEEC and the then State Ethics Commission, with a significantly reduced budget and staffing. Many believed that the consolidation and reduction were retribution for adverse rulings from the agencies. Despite the fiscal crisis of that time, the legislature felt it was more important to protect the independence of the three agencies and to insulate them from similar attempts to emasculate them in the future. The legislature passed Public Act 04-204, enacting Sec. 1-205a, with near unanimous bipartisan support.

**b. The independence afforded in Sec. 1-205a has worked well and should not be revoked.**

Section 1-205a does not provide unfettered independence. The legislature, with its collective voice, has appropriate oversight and control over the agency's budget. It has adjusted the agency's budget requests when it felt it was appropriate to do so. Further, the FOIC has not been immune to the vital call to reduce expenses. Since FY 08, the FOIC has instituted significant cost-saving measures that have resulted in voluntary lapses by the agency each year, ranging between 7.5% to 20.45%. Notably, these numbers are significantly higher than they would have been had the FOIC been subject to the Governor's existing rescission authority.

In addition, the FOIC has repeatedly demonstrated its commitment to fiscal restraint, as evidenced by its FY 2011-2013 Biennium budget request. The FY 2011-2012 request represents an increase of \$158, 918 or 6.9% over the 2010-11 appropriated amounts. The increase can be attributed in total to mandatory personal service expenses (i.e., 27<sup>th</sup> payroll, collective bargaining increases and upgrades in accordance with a stipulated collective bargaining agreement entered into by the state) and necessary software and renewal purchases. The FY 2012-13 request represents an increase of only \$47, 612 or 1.95% higher than its 2011-12 request. The increase here can be attributed to personal service expenses again (similar, although smaller in amount, to those outlined above for FY 2011-12) and necessary software and renewal purchases. Thus, the FOIC has done, and will continue to do its fair share (if given the opportunity), to find significant cost savings during these extremely difficult times.

The repeal of 1-205a is not necessary and would do away with the budgetary independence, so vital to the FOIC.

In closing, the FOIC urges this committee to consider the impact of these proposals in a comprehensive light, including a review of the costs of consolidation, both in terms of actual dollars and in terms of the costs to government transparency and accountability. Thank you.

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